

REPLY UNDER 37 C.F.R. §1.116  
**EXPEDITED PROCEDURE**  
ART UNIT 3738  
Atty Docket No.: 31132.43 / PC810.00  
Customer No: 46333

LISTING OF CLAIMS

This Listing of Claims will replace all prior versions and listings of claims in the application:

1. (Previously presented) A prosthetic device for lateral insertion into an intervertebral space, comprising
  - a first component having a first laterally-extending flange ~~for engaging~~ configured to advance into a laterally extending preformed opening in a first vertebra from a lateral approach, the first flange extending from a first bearing surface offset from a first center point of the first bearing surface, the first component having a first articular surface opposite the first bearing surface, and
  - a second component having a second laterally-extending flange for engaging a second vertebra from a lateral approach, the second flange extending from a second bearing surface offset from a second center point of the second bearing surface, the second component having a second articular surface opposite the second bearing surface for cooperating with the first articular surface to permit articulating motion between the first and second components.
2. (Original) The prosthetic device of claim 1 wherein the first and second vertebrae are in a spondylosed relationship and the first flange is offset relative to the second flange to accommodate insertion into the spondylosed first and second vertebrae.
3. (Original) The prosthetic device of claim 1 wherein the first and second vertebrae are in an aligned relationship and the first flange is aligned with the second flange to accommodate insertion into the aligned first and second vertebrae.
4. (Currently amended) The prosthetic device of claim 1 wherein ~~the first component further comprises a first bearing surface in an opposed relation to the first articular surface, the first bearing surface being~~ is adapted to engage the first vertebra.
5. (Original) The prosthetic device of claim 4 wherein the first flange extends along a substantial portion of the first bearing surface.

6. (Currently amended) The prosthetic device of claim 4 wherein ~~the second component further comprises a second bearing surface in an opposed relation to the second articular surface, the second bearing surface being~~ is adapted to engage the second vertebra.

7. (Original) The prosthetic device of claim 6 wherein the second flange extends along a substantial portion of the second bearing surface.

8. (Currently amended) A prosthetic device for lateral insertion into an intervertebral space, comprising  
a first component having a first laterally-extending flange for engaging a first vertebra from a lateral approach, the first flange extending from a first bearing surface offset from a first center point of the first bearing surface, the first component having a first articular surface opposite the first bearing surface, and

a second component having a second laterally-extending flange for engaging a second vertebra from a lateral approach, the second flange extending from a second bearing surface offset from a second center point of the second bearing surface, the second component having a second articular surface opposite the second bearing surface for cooperating with the first articular surface to permit articulating motion between the first and second components, The prosthetic device of claim 4 wherein the first and second flanges each comprise at least one hole therethrough.

9. (Original) The prosthetic device of claim 6 wherein the first and second bearing surfaces are each coated with a bone-growth promoting substance.

10. (Original) The prosthetic device of claim 1 wherein the first and second flanges are each coated with a bone-growth promoting substance.

11. (Original) The prosthetic device of claim 1 wherein the first and second flanges each comprise a sharp portion for penetrating the first and second vertebrae, respectively.

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12. (Original) The prosthetic device of claim 1 wherein the first and second components are formed of a cobalt-chrome-molybdenum metallic alloy.

13. (Currently amended) A prosthetic device for lateral insertion into an intervertebral space, comprising

a first component having a first laterally-extending flange for engaging a first vertebra from a lateral approach, the first flange extending from a first bearing surface offset from a first center point of the first bearing surface, the first component having a first articular surface opposite the first bearing surface, and

a second component having a second laterally-extending flange for engaging a second vertebra from a lateral approach, the second flange extending from a second bearing surface offset from a second center point of the second bearing surface, the second component having a second articular surface opposite the second bearing surface for cooperating with the first articular surface to permit articulating motion between the first and second components, The prosthetic device of claim 1 wherein the first and second components each comprise at least one notch formed laterally therein for receiving a surgical instrument.

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14. (Currently amended) A prosthetic device for lateral insertion into an intervertebral space, comprising  
a first component having a first laterally-extending flange for engaging a first vertebra from a lateral approach, the first flange extending from a first bearing surface offset from a first center point of the first bearing surface, the first component having a first articular surface opposite the first bearing surface, and  
a second component having a second laterally-extending flange for engaging a second vertebra from a lateral approach, the second flange extending from a second bearing surface offset from a second center point of the second bearing surface, the second component having a second articular surface opposite the second bearing surface for cooperating with the first articular surface to permit articulating motion between the first and second components, The prosthetic device of claim 1 wherein the first component comprises a projection extending from the first articular surface.

15. (Original) The prosthetic device of claim 14 wherein the second component comprises a recess formed in the second articular surface.

16. (Original) The prosthetic device of claim 15 wherein the projection is a convex portion and the recess is a concave portion.

17. (Original) The prosthetic device of claim 16 wherein the convex portion and the concave portion cooperate to permit articulating motion between the first and second components.

18-21. (Canceled)

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22. (Previously presented) A prosthetic device for insertion into an intervertebral space defined between a pair of spondylosed vertebrae, comprising:

a first component, comprising:

a first flange laterally extending along a first bearing surface; and

a projection extending from a first articular surface; and

a second component adapted to be engaged with the first component, comprising:

a second flange laterally extending along a second bearing surface, the second flange being offset from the first flange upon the second bearing surface being substantially parallel to the first bearing surface during engagement of the second component with the first component, thereby accommodating a spondylosed relationship between a first vertebra and a second vertebra; and

a recess formed in the second articular surface;

wherein the projection and the recess engage one another to provide for articulating motion between the first and second components.

23. (Currently Amended) A prosthetic component for forming a portion of a prosthetic device, comprising a first surface having a flange for engaging configured to advance into a laterally extending preformed opening in a vertebra from a lateral approach, the flange extending substantially laterally along the first surface and offset from a center point of the first surface, and a second surface in an opposed relation to the first surface, the second surface being adapted to engage another prosthetic component.

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24. (Previously presented) A method for inserting a prosthetic device into an intervertebral space from a lateral approach, comprising

providing a prosthetic device having a first articular component and a first flange extending laterally along a surface of the first articular component, and a second articular component and a second flange extending laterally along a surface of the second articular component, and

laterally inserting the first articular component into a first vertebra, and laterally inserting the second articular component into a second vertebra such that the second flange is offset with respect to the first flange and the surfaces of the first and second components are substantially parallel, the second vertebra being adjacent to the first vertebra.

25. (Original) The method of claim 24 wherein the first and second flanges engage and penetrate the first and second vertebra, respectively, during insertion.

26. (Original) The method of claim 24 wherein the first and second flanges are inserted into preformed openings of the first and second vertebra, respectively, during insertion.

27. (Previously presented) A method for laterally inserting a prosthetic device into an intervertebral disc space between a first vertebra and a second vertebra, comprising:

providing a prosthetic device, comprising:

a first articular component, comprising:

a bearing surface and an articular surface;

a substantially laterally-extending keel formed on the bearing surface for engaging the first vertebrae, the keel offset from a central portion of the bearing surface; and

a recess formed in the articular surface;

a second articular component, comprising:

a bearing surface and an articular surface;

a substantially laterally-extending keel formed on the bearing surface for engaging the second vertebrae, the keel offset from a central portion of the bearing surface; and

a projection extending from the articular surface for engaging the recess of the first articular component;

substantially laterally inserting the prosthetic device into the intervertebral disc space to engage the prosthetic device with the first and second vertebrae.